

June 3, 2024

City of Niagara Falls  
4310 Queen Street  
Niagara Falls, Ontario  
Canada  
L2E 6X5

**5234-5278 Ferry Street, 5284 Ferry Street, 5928 Clark Avenue, Niagara Falls  
ZONING BY-LAW AMENDMENT APPLICATION**

Mr. DeBenedetti,

Please consider the enclosed package along with the previously submitted materials related to the Zoning By-law Amendment application for 5234-5278 Ferry Street, 5284 Ferry Street, and 5928 Clark Avenue, which was submitted to the City on May 11, 2024.

As you are aware, the City of Niagara Falls recently updated their Sun/Shadow Study Terms in 2024. The Shadow Analysis included in the May 11, 2024 submission was aligned with the City's previous Terms of Reference and therefore does not conform to the updated 2024 Terms of Reference. We have prepared a revised Shadow Study Report in accordance with the 2024 Terms of Reference, which is attached for your consideration regarding the above-mentioned application.

As part of our resubmission, please find the enclosed:

- One (1) copy of the Shadow Study Report, prepared by Jason Pizzicarola Design – Architects, dated May 2024 (accessible via the following link: [5234-5278 Ferry Street, 5284 Ferry Street, 5928 Clark Avenue - Shadow Study Report \(Google Drive\)](#))

## **Policy Analysis**

Please consider the following section in addition to the analysis provided in the 5234-5278 Ferry Street, 5284 Ferry Street, 5928 Clark Avenue Planning Justification Report prepared by NPG Planning Solutions, dated May 2024.

## **POLICY**

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### **CITY OF NIAGARA FALLS OFFICIAL PLAN**

#### **PART 2, SECTION 4**

- 4.1.24 *A system of built-form regulations in the Tourist Area shall be established, based on the following principles:*
- c) *Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*

- 4.4.2 *Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum height set out in Fig. 4 and section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria:*
- c) *in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed an architectural peer review;*
- 4.4.5 *By virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.*
- 4.4.7 *Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.*
- c) *to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;*

### **Tourism Policy Review Implementation Handbook**

- *There should be a gradation of height stepping down towards the escarpment and Queen Victoria Park, so as to minimize the shadow impact on the park and there should be a stepping down towards the stable residential area to the west so as to minimize the shadow impact on the residential neighbourhood.*

### **ANALYSIS**

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The nearest residential lands are located approximately 130 metres northwest of the Subject Lands, on Desson Avenue. The May 2024 Shadow Study Report determined that no shadows will be casted on any residential amenity areas between April 21 and September 21. There will be temporary shadowing on residential amenity areas between the hours of 10AM to 12PM on December 21. The impacts are minimal due to the temporary nature of the shadowing and infrequent use of outdoor amenity areas during the winter months. The Shadow Study Report also determined that shadows cast do not exceed 3 hours in duration of any parks or public open spaces between April 21 to September 21 ensuring that Queen Victoria Park retains sufficient sunlight during the summer months.

The Shadow Study Report acknowledges that the Ferry Street frontage of the Subject Lands (south side of Ferry Street) will feature less than 4 hours of sunlight on April 21. Given the geographical location of the City in the northern hemisphere, avoiding casting shadows onto Ferry Street sidewalks would be difficult to achieve. The proposed development mitigates shadowing impacts by providing for step backs, two separate towers, and slender tower designs to maximize sunlight onto Ferry Street. Note, on June 21 and September 21 the south side of Ferry Street achieves a minimum of 4 hours of sunlight.

## **Conclusion**

We trust the above is satisfactory, should you require anything further or have any questions please do not hesitate to contact the undersigned.

Yours truly,



**Max Fedchyshak, MCIP, RPP**  
Intermediate Planner  
NPG Planning Solutions Inc.